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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.REV.P. 20/2009

PHOOL SINGH

.....Petitioner

Through: Mr. Ashutosh Kaushik and Mr. Kartik
Mishra, Advocates.

versus

STATE GOVT. OF N.C.T. OF DELHI

....Respondent

Through: Mr. Utkarsh, APP for the State with
SI Chandan, P.S. Vasant Kunj.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

10.03.2025

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1. Petition under Sections 397/401 read with Section 482 of the Code of Criminal Procedure, 1973 (*hereinafter referred to as 'CrPC'*) has been filed on behalf of the Petitioner, Phool Singh, to challenge the Order dated 12.12.2008, passed by the Court of learned ASJ, Dwarka Courts, Delhi *vide* which learned ASJ upheld the Order of conviction dated 01.08.2008 and Order on Sentence dated 07.08.2008, passed by the Court of learned Metropolitan Magistrate in FIR No. 658/1998 under Section 279/304A of the Indian Penal Code, 1860 (*hereinafter referred to as 'IPC'*) registered at Police Station Vasant Kunj, whereby the Appellant has been convicted under Section 279/304A of the IPC and sentenced to undergo RI for one year under Section 304A with fine of Rs.2,000/- and imprisonment of six months for the offence of under Section 279 IPC with fine of Rs.1,000/-.

2. Learned counsel for the Petitioner submits that he is not pressing his Petition on merits and is only praying that the Order on Sentence dated 07.08.2008 be modified. It is submitted that this is an FIR of 1998, which



eventually ended in conviction in 2008. The Petitioner is about 70 years and has already suffered much since 1998.

3. Pursuant to this accident and conviction, his driving license was cancelled and he has never driven the vehicle thereafter. He is not doing any work after this case and is dependent upon his family members. He is repentant of the act and the mercy and it is submitted that he has already undergone about four months of imprisonment and he be given benefit of the period already undergone.

4. Learned APP for the State submits that there is no infirmity in the Order on Sentence, which has been passed, in accordance with law.

5. **Submissions heard and the record perused.**

6. It is a case of 1998 and the Petitioner since the past 38 years, has conscientiously suffered the trial and also the Conviction and Sentence. He is now more than 70 years of age and has already suffered much in facing the trial. Moreover, as submitted, he has not driven any vehicle since the date of accident as his license got cancelled. He is dependent upon his family members.

7. The objective and purpose of Sentence be restorative. No fruitful purpose would be served in sending the Petitioner for further imprisonment. Therefore, taking note of all the surroundings circumstances, the Order on Sentence dated 07.08.2008 is accordingly modified while the Conviction under Section 279/304A of the IPC is upheld to the period already undergone. Fine, if not deposited, be deposited before the learned Metropolitan Magistrate within 30 days.

8. The Petition is accordingly disposed of.



MARCH 10, 2025/RS

NEENA BANSAL KRISHNA, J